

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
) MDL No. 1456
) Master File No. 1:01-CV-12257-PBS
) Sub-Category Case No. 1:08-CV-11200
)

THIS DOCUMENT RELATES TO:
*United States ex rel. Linnette Sun and Greg
Hamilton, Relators*
v.
Baxter Healthcare Corporation

) Judge Patti B. Saris
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**DECLARATION OF SHAMIR PATEL IN SUPPORT OF BAXTER
HEALTHCARE CORPORATION'S PARTIAL MOTION TO DISMISS**

I, Shamir Patel, duly declare under penalty of perjury as follows:

1. I am an attorney at law admitted to practice in the State of New York and the District of Columbia and am an attorney in the law firm of Dickstein Shapiro LLP, counsel for Defendant Baxter Healthcare Corporation. I am familiar with all of the facts and circumstances herein. I make this declaration in support of Baxter Healthcare Corporation's Partial Motion to Dismiss in the above-captioned action.

2. Attached hereto as Exhibit A is a true and correct excerpted copy of the Transcript of the January 21, 2010 Deposition of Greg Hamilton.

I hereby swear that the foregoing statements are true to the best of my knowledge, information, and belief.

Dated: July 29, 2011

/s/ Shamir Patel

Shamir Patel

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Counsel for Defendant Baxter Healthcare
Corporation

CERTIFICATE OF SERVICE

I hereby certify that I, Shamir Patel, an attorney, electronically filed the foregoing DECLARATION OF SHAMIR PATEL IN SUPPORT OF BAXTER HEALTHCARE CORPORATION'S PARTIAL MOTION TO DISMISS with the Clerk of the Court for the District of Massachusetts using the Court's CM/ECF system on July 29, 2011. I also caused a true and correct copy of the foregoing document to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, for posting and notification to all parties.

/s/ Shamir Patel

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